

Remarks

The action identified the following main species of the invention:

- Species A – FIG. 1A: an aerosol delivery device with slidable front portion;
- Species B – FIG. 2: an aerosol delivery device with hinged front portion and latch button;
- Species C – FIG. 3A: an aerosol delivery device with lever to dispose actuator; and
- Species D – FIG. 23: an aerosol delivery device with air pump disposed within handle portion.

In reply to this election requirement, Applicants elect, with traverse, Species D.

Upon election of one of the main species above, the action requires a further election of one of the following subspecies:

- Subspecies L – FIG. 4A: an aerosolizing element having a vertical piercing prong;
- Subspecies M – FIG. 6: an aerosolizing element having an angled piercing prong;
- Subspecies N – FIG. 7A: an aerosolizing element having sealing tapes;
- Subspecies O – FIG. 10A: an aerosolizing element having an orifice plate; and
- Subspecies P – FIG. 22B: an aerosolizing element having a spacer element.

In reply to this election requirement, Applicants elect, with traverse, Subspecies P.

Upon election of one of subspecies L, M, N, O, or P above, the action requires a further election of one of the following subspecies:

- Subspecies Q – FIG. 11: an interface with extension portion and inspiratory air openings;
- Subspecies R – FIG. 12: an interface with extension portion and one-way expiratory valve;
- Subspecies S – FIG. 13: an interface with extension portion and porous mask;
- Subspecies T – FIG. 14: an interface with air distribution plenum;
- Subspecies U – FIG. 15: an interface with no extension portion and porous mask;
- Subspecies V – FIG. 16: an interface with baffles;
- Subspecies W – FIG. 17A: an interface with flapper valve;
- Subspecies X – FIG. 18A: an interface with duckbill valve;
- Subspecies Y – FIG. 19A: an interface with angled flapper valve; and
- Subspecies Z – FIG. 20A: an interface with pivotally connected sealing member.

In reply to this election requirement, Applicants elect, with traverse, Subspecies T.

MPEP 806.04(f) states: “Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first.” Applicants do not believe that the groupings of species and subspecies

discussed above are proper since the majority of the embodiments identified above are not mutually exclusive with respect to each other. For example, elected Species D (an aerosol delivery device with an air pump in the handle) can include any of the main features of Species A, B, or C. Also, elected Subspecies P can include any of the main features of Subspecies L, M, N, or O. Nonetheless, for the purpose of responding to the action, Applicants have identified the following claims that recite limitations disclosed for the elected Species D and Subspecies P and T: claims 1-32, 34-50, and 52-63. Thus, Applicants believe that claims 1-32, 34-50 and 52-63 encompass the elected species and subspecies and should be examined in the present application.

If any issues remain prior to substantive examination of the application, the examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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